

THE DERBY CITY COUNCIL (26 Margreave Road)
COMPULSORY PURCHASE ORDER 2025

Statement of Reasons of the Acquiring Authority

This document is the Statement of Reasons of the Derby City Council as Acquiring Authority (“the Council”) for the making of the Compulsory Purchase Order (CPO) titled the ‘Derby City Council (26 Margreave Road) Compulsory Purchase Order 2025 (“the Order”).

This Statement has been prepared in accordance with the Ministry of Housing, Communities and Local Government’s “Guidance on Compulsory purchase process and the Crichel Down Rules” (16 July 2019) (“the Guidance”).

1.0 Introduction

- 1.1 In a time of increasing housing need, vacant homes are considered a waste of housing resources at both national and local levels.
- 1.2 The Audit Commission’s 2009 report ‘Building Better Lives’ states that ‘Improving the housing stock that already exists will help more people than building new houses’. The Ministry for Housing, Communities and Local Government’s (MHCLG) live tables illustrate that in 2023 of the 113,300 homes in Derby City, only 8,000 had been constructed in the preceding 15 years. It is therefore more likely that residents will live in existing housing stock.
- 1.3. The Government’s national housing strategy ‘Laying the Foundations’ (2011) commits to bringing empty homes back into use to increase housing supply. In June 2015 the Department for Communities and Local Government (now MCHLG) stated ‘Local authorities have strong powers to tackle empty homes, as well as the discretion to charge higher levels of council tax for empty properties and be rewarded through the New Homes Bonus, and we expect them to continue to use these to reduce the number of empty properties.’ The 2017 Housing White paper, ‘Fixing our broken housing market’, supports tackling empty homes where there is a need to meet housing demand.
- 1.4 The Government’s National Planning Policy Framework (2024) supports the use of compulsory purchase powers to bring under-utilised buildings into residential occupation. The Council’s Empty Property Strategy encourages the re-use of vacant properties for residential purposes by use of compulsory purchase powers, where appropriate.
- 1.5 The Council prefers a voluntary way forward in respect of privately owned empty dwellings. Every endeavour is made to encourage and persuade owners to make voluntary progress. There remain instances where owners cannot be traced or confirmed, or where exhaustive attempts to promote progress from known owners prove unproductive.
- 1.6 This Order relates to circumstances where the endeavours to persuade a voluntary course of action to return the vacant 26 Margreave Road, Derby (the

Property) to the useful housing stock have ultimately proved unsuccessful. The Order is therefore justified as a last resort.

2.0 Property Details and Background

- 2.1 The Property is unregistered with HM Land Registry. The Personal Representative of the deceased owner has been identified via a tracing agent and from discussions with family members. The Owner passed away in 2013 and the property has remained unoccupied since then. The Owner's personal representative has occasionally engaged with the Council but has not evidenced any significant action.
- 2.2 The Property is a 2-bedroom, semi-detached house with tight off-road parking to the front. The property lies within the popular and established residential Chaddesden West Ward of Derby. A primary school, secondary school, doctor, dentist, pharmacist and library are all within 1.3 miles of the Property. There is a public transport link to the city centre approximately 300 metres away.

3.0 The Need for Compulsory Purchase

- 3.1 The purpose of the Order is to facilitate the provision of housing accommodation. There is a high housing demand across the city and facilitating the re-occupation of the Property will respond positively to housing need.
- 3.2 The Council began investigating The Property in late 2016 as probate had not been administered since the death of the Owner. The Personal Representative of the deceased has occasionally engaged with Council but has repeatedly failed to take successful action.
- 3.3 In 2017, the Council used genealogists to identify the Personal Representative and ascertain if any assistance was needed to deal with the estate of the deceased Owner. The Personal Representative reported an intention to sell but there is complex legal history that needed to be resolved before this could proceed. The property is unregistered and the Personal Representative needed to prove that he is executor and beneficiary of the deceased Owner's estate. The Personal Representative reports that the Property was owned by his grandparents and on their death, the Property was left to his mother, who is now also deceased. The Personal Representative claims to be executor and beneficiary of his mother's Will. The Personal Representative reports to be compiling documentary evidence required by solicitors to administer the estate and complete first registration of the property. However, the Personal Representative has at times been unable to confirm details of the solicitors appointed and has not provided proof that action is underway. The Personal Representative also claims to have changed solicitors numerous times due to their inability to administer generational probate. Again, no proof has been provided. At one point a private sale had been agreed and the Council was able to confirm with the purchaser that a sale would be completed as soon as the legal administration had been completed. Due to the time these processes were taking, the purchaser has now pulled out. The Property remains empty and there is no evidence that this status will change in the foreseeable future.

- 3.4 Work in default, pursuant to the Prevention of Damage by Pests Act 1949 was carried out in 2022.
- 3.5 The Property has now empty for over 10 years with little evidence that the renovation and re-occupation or sale will occur in an acceptable timeframe. Consequently, the Council does not have confidence that this will happen without intervention. The Council is of the opinion that a change in ownership of the Property is now the only realistic option to ensure return of this Property to useful housing stock within a reasonable timescale. Compulsory purchase action is therefore justified as a last resort.
- 3.6 The Council has considered information known about the Personal Representative of the Owner and the Property, housing demand and current guidance before determining that the making of this Order is the most appropriate way forward.

4.0 Correspondence with the Owner

- 4.1 The Council has taken the following steps to engage with the Personal Representative of the deceased Owner. These steps have been unsuccessful and as a measure of last resort the Council has authorised officers to proceed with making a CPO.
- 4.2 In November 2016 and April 2017 letters were sent to the grandson of the deceased Owner, who genealogists identified as the last living person known to have been at the property. The grandson responded and advised the property would be tidied and put on the market for sale. When the property remained empty and not up for sale by January 2018 a further letter was sent advising that while a voluntary solution is preferred, statutory or enforcement solution may be considered if the former cannot be achieved.
- 4.3 In April 2018 the Council visited the property to consider its impact on the area and prioritisation for compulsory purchase. Letters were sent to the Personal Representative advising that the unsightly condition of the property needed to be addressed and asked for a site meeting. No response was received so the Council contacted the Personal Representative with a date and time to meet at the property. The Personal Representative failed to attend the meeting in May 2018 and did not make contact to rearrange. In May 2018 the Council gave warning that a notice pursuant to section 215 of the Town and Country Planning Act 1990 was being considered and when the appearance of the property was not addressed, notice was served in August 2018. The Council telephoned the Personal Representative in October 2018 to advise of the condition and discuss future action. The Personal Representative reported that he had not made a probate application and that he could not afford fees to put the property up for sale. The Personal Representative was advised that solicitors and estate agents can agree to resolve probate and sell the property and have their fees deducted from the capital receipt.

- 4.4 In January 2019 the Personal Representative was advised that the Council's Cabinet had resolved to use compulsory purchase powers if voluntary negotiations failed. Between March 2019 and October 2020, the Council wrote to the Personal Representative seven times offering assistance and encouragement to bring the property into use voluntarily. No response was received or action evident.
- 4.5 In October 2021 the Personal Representative confirmed that a private sale had been agreed and an application for first registration was underway. This was confirmed with the purchaser. The Council contacted both purchaser and seller periodically throughout 2022 to confirm the sale was still agreed, pending probate and registration of the title. However, in September 2023 the purchaser advised the Council that the Personal Representative was no longer engaging. In July 2022 the Council enforced notices served pursuant to the Prevention of Damage by Pests Act 1949 and carried out work in default to remove harbourage and contacted the Personal Representative three times to advise of the work and the resulting costs.
- 4.6 In February 2023 the Council telephoned the Personal Representative to discuss progress and was informed the appointed solicitor was unable to proceed. The Personal Representative gave permission for the Council to refer the case to firm of genealogists with access to specialist solicitors to provide assistance. In September 2023 the Personal Representative confirmed that these solicitors had been appointed and everything required had been forwarded to the Land Registry. The Council contacted the solicitors to verify progress but they reported to be unaware of being appointed.
- 4.7 In April 2024 the Council telephoned the Personal Representative for a progress update and were informed that new solicitors had been appointed. In July and October 2024 the Council telephoned the Personal Representative again and there was little progress reported. In March 2025 the Council confirmed in writing that a compulsory purchase order was being prepared due to the lack of progress and in June 2025 advised the Personal Representative of the Council Tax arrears outstanding for the Property. In August 2025 the Council again provided the Personal Representative with details of genealogists that may help with an application for probate.
- 4.8 The Council will continue to try and negotiate voluntary action. The Council has given the Personal Representative of the deceased Owner every opportunity and considerable time to return the Property to beneficial use, but no tangible progress has been evidenced. It is considered that any further delay would simply extend the Property's period of inoccupation and would not be in the public interest. CPO action is the only realistic option to return the Property to occupation in a reasonable timescale.

5.0 Enabling Powers

- 5.1 Section 17 of the Housing Act 1985 gives a Local Housing Authority power, with the approval of the Secretary of State, to compulsorily acquire land, houses, or

buildings, for the purpose of providing housing accommodation. The Section includes power to then dispose to a person who intends to so provide.

- 5.2 A Local Housing Authority is authorised to acquire land or property for housing if it is likely to be required for those purposes within 10 years from the date of confirmation of any compulsory purchase order. The Property in this Order meets this criterion.
- 5.3 Section 18 requires that where a building is so purchased, the building should be made suitable as a house, as soon as practicable after acquisition. The Council's proposals as set out in section 6 will enable the Property to be used as housing accommodation as soon as practicable after acquisition.
- 5.4 The Council's Cabinet resolved on 16th January 2019 to approve the use of CPO powers to bring the Property back into use as residential accommodation. Having regard to the nature of the proposals and the advice set out in the Guidance, the Council is satisfied that the powers available to it under the 1985 Act are the most appropriate powers to use to achieve its objective.
- 5.5 The proposed compulsory purchase of the Property is in accordance with the Council's Private Sector Empty Homes' Strategy 2021-2026, as the most appropriate action to ensure that the long-standing vacant Property is restored to the useful housing stock without unnecessary delay.

6.0 The Council's Proposals

- 6.1 The intention is to acquire the Property to ensure it suitably renovated and re-occupied to respond to housing need within the City. Should the Council acquire the Property it will provide a quantitative and qualitative gain in housing accommodation as the Property will provide good quality residential units in the City of Derby.
- 6.2 Renovation and re-occupation would also reduce the likelihood of the Property attracting anti-social behaviour or causing environmental blight.
- 6.3 If the Order is confirmed and the Council eventually become the proprietor of the Property, the intention is that the Property be considered for addition to Council stock, disposed to an alternative Registered Provider, sold at public auction or sold by any other appropriate means of disposal; any sale to include conditions requiring the satisfactory renovation and occupation of the premises within a reasonable timeframe.
- 6.4 The valuation of an independent, suitably qualified, Valuer at vesting or proceeds of the auction will be considered the market value of the Property and will form the basis of compensation entitlement for all relevant persons.
- 6.5 No works to the Property are planned before selling, therefore it is anticipated that the 'no-scheme world' principle will not be relevant in assessing compensation.

7.0 Human Rights and Public Sector Equality Duty

7.1 The Council is obliged to act in a way which is compatible with the European Convention on Human Rights. The Convention Rights relevant to compulsory acquisition are as follows:

7.1.1 Article 1 (of the First Protocol)

This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

7.1.2 Article 8 (of the Convention)

This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

7.1.3 Article 14 (of the Convention)

This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

7.2 The above rights are qualified rights and may be interfered with provided such interference is prescribed by law, pursuant to a legitimate aim, necessary in a democratic society and proportionate. Compulsory purchase of land is permitted under the terms of the Housing Act 1985 and the Acquisition of Land Act 1981 and is subject to a statutory consultation and appeal procedure. In addition, compensation is payable, making the action fair and proportionate.

7.4 The Council has also had due regard to its Equalities Duties as specified under section 149 of the Equality Act 2010 and has considered the Public Sector Equality Duty. In taking the decision to make the Order, the Council considers that the proposal is fully compliant with the Equality Act. An Equalities Impact Assessment carried out in respect of the Council's Empty Homes Strategy identified that no group would be disproportionately disadvantaged by its approach to returning empty homes to use. The Council considers the Order to be compatible with the Public Sector Equality Duty and will not have a significant negative impact upon protected groups. The Property is not used disproportionately by any group with protected characteristics as it is currently empty.

7.5 The Council considers that there is a compelling case in the public interest for the acquisition of the Property, considering the benefits such action would bring to Derby. The Council has considered the balance which needs to be struck between individual rights and the public interest and believes it has acted in a proportionate and fair manner in reaching its conclusion. The benefits to the local community could not be achieved by agreement with the Personal Representative of the deceased Owner and they outweigh the loss of title or any other loss suffered by any interested party. The Order is considered to be

in the public interest, compatible with the Convention and compliant with the Public Sector Equality Duty.

- 7.6 The Public Sector Equality Duty has also been considered in relation to information known about the Owner and Personal Representative and will continue to be applied in future contact. The Council considers that it has taken all reasonable steps to provide assistance and has offered a variety of options for help and support. It is considered there is no alternative but to pursue CPO action as a last resort. However, the Council will:

7.6.1 liaise with any representative of the Owners, if that would be of assistance; and

7.6.2 enter into negotiations to acquire the Property by agreement, if the Owner's Personal Representative make such a request.

8.0 Funding

- 8.1 Funding for the proposal is available from the Council's Housing Capital Programme.

9.0 Housing Need

- 9.1 Changes to the Welfare Benefits system, continuing economic problems, the rising population in Derby and other demographic trends have resulted in a reduced turnover in good quality social housing and greater difficulty in accessing both home ownership and private rented accommodation. As such, there is city wide demand for all tenures of housing, and this will continue to rise for the foreseeable future. This Property represents an opportunity to provide good quality accommodation for a household in need with the potential to reduce pressure on the housing waiting list.
- 9.2 Latest records show there are approximately 113,256 dwellings in Derby; about 19,500 of which fall below the Decent Homes Standard. Approximately 3,485 homes are vacant across Derby; 1,424 of these having been vacant for over 6 months.
- 9.3 Overall there are 8655 applicants on the Council's housing register. 2510 households require a 2-bed property. The Property is in the DE21 6 postal area, where Derby Homes manages 1090 2-bed properties. Over the last 12 months only 31 affordable, 2-bed properties have become available for let in this area.
- 9.4 The Derby Strategic Housing Market Assessment concluded that in total 16,388 new dwellings are required over the period 2011-2028 and 632 additional affordable homes are needed each year. Returning vacant homes to beneficial use helps increase the net supply of housing.

10.0 Planning

- 10.1 The Property is located within an established residential area and can be renovated without the need for planning consent.
- 10.2 The Council's proposals are in accordance with the Council's planning policies and therefore there is no planning impediment.

11.0 Obstacles

- 11.1 There are no known obstacles to the Council carrying out its proposals. It has a good track record of returning empty properties to residential use and intends to do the same for the land comprised in this Order as soon as reasonably practicable.

12.0 Information of Interest to Persons Affected by the Order

- 12.1 The Council has consulted with relevant persons affected by the Order. The Council's offer of assistance to reach a voluntary solution still stands.
- 12.2 There is no mortgagee to inform.

13.0 Related Orders, Applications or Appeals

- 13.1 There are none.

14.0 Views of Government Departments

- 14.1 None expressed.

15. Other Considerations

- 15.1 There are no special considerations affecting the Property:
 - 15.1.1 There are no ancient monuments
 - 15.1.2 The Property is not a listed building.
 - 15.1.3 The Property is not within a conservation area.
 - 15.1.4 There are no issues concerning special category land, consecrated land and nor is this a renewal area.

16.0 Conclusions

- 16.1 The Council is of the opinion that the Owner's Personal Representative will not satisfactorily bring the Property into beneficial use.

- 16.2 The Government's National Planning Policy Framework (2024) and the Guidance indicates the importance of compulsory purchase powers as a tool for local authorities to increase housing supply.
- 16.3 The Council's compulsory purchase would meet the objectives of the Council's Empty Homes Strategy and is in accordance with central government's initiatives to bring empty homes into use. Making the Order is in accordance with national and local policy, as outlined in this statement.
- 16.4 The Council considers the Order compatible with the European Convention on Human Rights. The public benefit resulting from the Order will outweigh the loss of the interested parties' sufficient to justify interfering with his/her human rights.
- 16.5 The Council considers the Order to be compatible with the Public Sector Equality Duty. The Order will not have a significant negative impact upon protected groups.
- 16.6 All reasonable endeavours to encourage and promote a voluntary way forward have been exhausted and there is a compelling case in the public interest for compulsory purchase of the Property. A statement requesting confirmation of the Order is now therefore submitted. The Council is keen to enter into negotiations to acquire the Property by agreement, if the deceased Owner's Personal Representative makes such a request, in accordance with the Guidance.
- 16.7 In the event of a Public Inquiry the Council intends to refer to the following documents (It should be noted that the Council reserves the right to add or to amend the list as necessary):
- Fixing Our Broken Housing Market, (2017), DCLG (now MHCLG)
 - Building Better Lives, (2009), Audit Commission
 - The National Planning Policy Framework, (December 2024), MHCLG
 - Guidance on Compulsory Purchase Process and the Crichel Downs Rules, (2019), MHCLG
 - Derby City Local Plan – Part 1, (2017), Derby City Council
 - Housing Strategy 2020-2029, (2020), Derby City Council
 - Private Sector Empty Homes Strategy 2021-2026, (2021), Derby City Council
 - Private Sector Housing Renewal Policy 2020-2030 (2020), Derby City Council
 - Housing Initiatives Team Enforcement and Prosecution Policy, (2018), Derby City Council
 - A bundle of correspondence relating to the Property
 - Records of dealing with the Property
 - The reports to and resolutions of the Cabinet of the Council (16th January 2019)